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UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re:

Case No. 08-41341 LT

**WILLIAM WALTER JAMES and
KELLEY RAE JAMES,**

Chapter 13

Debtors.

**DECLARATION OF DEBTOR IN
SUPPORT OF MOTION FOR
DETERMINATION OF SECURED
STATUS OF CHASE'S CLAIM**

I, William James, declare:

1. I am one of the debtors in the above-captioned case.

2. The facts contained herein are true and correct and if called upon as a witness I can testify competently as to them.

3. At the time I filed my Chapter 13 case, on March 21, 2008, I was the owner of the real property located at 572 Bing Ct., Brentwood, CA 94513 (the "property").

4. The property is encumbered by a First Deed of Trust in favor of National City Mortgage in the sum of \$384,988.18, as evidenced by its proof of claim, a copy of which is attached as Exhibit A and made a part hereof.

5. On February 19, 2008, I had the property appraised by Black

1 Diamond Appraisals Inc. A copy of the appraisal, which reflects a
2 fair market value of \$365,000.00, is attached hereto as Exhibit B and
3 made a part hereof.

4 6. JP Morgan Chase Bank ("Chase") is the beneficiary of a Second
5 Deed of Trust against the property in the sum of \$249,056.64, as
6 evidenced by its proof of claim, a copy of which is attached as Exhibit
7 C and made a part hereof.

8 7. The claim of Chase is an unsecured claim, in that the value of
9 the property is less than the secured claim of the First Deed of Trust
10 of National City Mortgage. As such, the lien that secures Chase's claim
11 is void.

12 I declare under penalty of perjury under the laws of the State of
13 California that the foregoing is true and correct.

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15 Dated: October 10, 2008 /s/ William James
16 William James
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